

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

OLIVER JARRELL,

Petitioner,

v.

Civil Action No. 2:13-15850

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Respondent.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge filed on March 11, 2014, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the respondent or the petitioner to the PF&R; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the PF&R be, and they hereby are, adopted by the court.

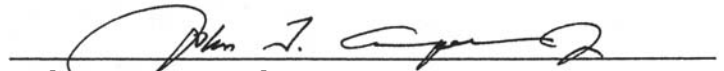
In accordance with those findings and conclusions, it is ORDERED as follows:

1. That the respondent's motion to dismiss be, and hereby is, granted;

2. That the petitioner's section 2254 petition be, and it hereby is, denied; and
3. That this action be, and hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the magistrate judge.

DATED: April 7, 2014


John T. Copenhaver, Jr.
United States District Judge